

# **EXHIBIT 20**

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

IN RE: ) Case No.  
VALVE ANTITRUST LITIGATION ) 2:21-cv-00563-JCC

VIDEO-RECORDED DEPOSITION OF DAVID ROSEN

WOLFIRE GAMES, LLC 30(b)(6)

Thursday, November 30, 2023

San Francisco, California

Stenographically Reported By:

Hanna Kim, CLR, CSR No. 13083

Job No. 6331118

1 UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF WASHINGTON  
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Video-recorded deposition of DAVID ROSEN,  
WOLFIRE GAMES, LLC 30(b)(6), taken on behalf of the  
Defendant, located at 345 California Street,  
San Francisco, California, on Thursday,  
November 30, 2023, before Hanna Kim, CLR, Certified  
Shorthand Reporter, No. 13083.

APPEARANCES OF COUNSEL:

For Plaintiff:

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JOSEPH BLEA, Video Operator

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WITNESS: DAVID ROSEN, Wolfire Games, LLC 30(b)(6)

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BY MR. SKOK:	12
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1 Q. Did Wolfire agree to participate in this  
2 bundle that was being proposed in Exhibit 53?

3 A. I don't actually remember that either.

4 Q. If Wolfire had concerns about Steam keys  
5 ending up in a gray market, why not just participate  
6 in the Humble Bundle without Steam keys using the  
7 DRM-free version?

8 MR. GOLDEN: Objection to form.

9 THE WITNESS: I believe, at this point, it  
10 may have been required.

11 BY MR. SKOK:

12 Q. Required by Humble to use Steam keys?

13 A. Yes.

14 Q. Incidentally, when Wolfire sells its games  
15 through the Humble Store or the Humble widget,  
16 what's the most popular option that customers pick  
17 between Steam keys versus a DRM-free version?

18 MR. GOLDEN: Objection to form.

19 THE WITNESS: I don't know if we have any  
20 way to track that. Steam doesn't give us a way to  
21 check if a key has been redeemed or not.

22 BY MR. SKOK:

23 Q. Does Wolfire have records, though, of how  
24 many customers at the point of purchase choose a  
25 DRM-free version versus a Steam key version when

1 buying through Humble?

2 MR. GOLDEN: Objection. Form.

3 THE WITNESS: Not that I know of.

4 BY MR. SKOK:

5 Q. You can put that aside. I think we've  
6 been going close to an hour and 15. Would you like  
7 a break? This could be a good point to do it, we  
8 take a five or ten-minute break. Or we could keep  
9 going. Up to you.

10 A. We can keep going.

11 MR. SKOK: You okay with that? Let's take  
12 a five-minute break.

13 THE VIDEOGRAPHER: This is the end of  
14 Media 3. We're off the record at 2:13 p.m.

15 (Short recess taken.)

16 THE VIDEOGRAPHER: This is the start of  
17 Media 4. We're back on the record at 2:30 p.m.

18 Proceed.

19 BY MR. SKOK:

20 Q. Mr. Rosen, let's talk about distribution  
21 of Wolfire games through Humble using Steam keys.  
22 How does Humble obtain Steam keys that are used to  
23 distribute Wolfire games?

24 A. Humble asks developers for Steam keys and  
25 developers, in turn, ask Valve, unless they already

1 have some left over from a previous request.

2 Q. Is that the process Wolfire has always  
3 followed for getting keys for distribution on  
4 Humble?

5 A. I believe so.

6 Q. Do you know if Humble has ever talked  
7 directly with Valve in requesting keys for any  
8 Wolfire games?

9 A. I don't think so.

10 Q. What does -- if -- if Humble runs a bundle  
11 that has a Wolfire game in it and ends up with some  
12 Steam keys left over, what happens to those keys?

13 MR. GOLDEN: Objection. Form.

14 THE WITNESS: I don't actually know for  
15 sure.

16 BY MR. SKOK:

17 Q. Does Humble return any unused keys to  
18 Wolfire after a bundle is finished?

19 A. They might. I haven't done a bundle for  
20 years.

21 Q. All right. Does Wolfire receive any  
22 records from Humble when a bundle is finished about  
23 whether all Steam keys that Wolfire gave to Humble  
24 were distributed?

25 A. I don't know.



1 Q. Sitting here today, though, you're not  
2 aware of records like that?

3 A. No.

4 Q. Do you know if Humble has ever resold any  
5 Humble keys to key re- -- or, I'm sorry.

6 Do you know if Humble has ever resold  
7 Steam keys to any key resellers after a Humble  
8 Bundle is concluded?

9 MR. GOLDEN: Objection to form.

10 THE WITNESS: I would be pretty shocked if  
11 they did.

12 BY MR. SKOK:

13 Q. Do you recall the Humble Indie Bundle 20?

14 A. Not specifically.

15 Q. The -- my understanding is that Overgrowth  
16 was included in the Humble Indie Bundle 20, which  
17 ran in March of 2019.

18 Does that refresh your memory?

19 A. Not really, but it sounds plausible.

20 Q. And I believe that there were six other  
21 games in that bundle, and that the bundle sold for  
22 \$10.

23 Does that sound right to you?

24 MR. GOLDEN: Objection. Form.

25 THE WITNESS: I still don't really re- --

1 MR. GOLDEN: Objection. Form.

2 THE WITNESS: Not at this time.

3 BY MR. SKOK:

4 Q. All right.

5 Was 29.95 a common price for games at the  
6 time you set that as the Overgrowth base price?

7 MR. GOLDEN: Objection. Form.

8 THE WITNESS: I think it was common for a  
9 specific category of games, like games made by  
10 Indie -- Indie Studios that appear in some ways to  
11 have AAA production value.

12 BY MR. SKOK:

13 Q. Okay. And you regarded Overgrowth as  
14 having a AAA production value?

15 A. It had a more realistic 3D art style than  
16 almost any other game by a small studio at the time  
17 with a few exceptions.

18 Q. Did you set the same base price for  
19 Overgrowth on your website as on the Humble Store?

20 MR. GOLDEN: Objection. Form.

21 THE WITNESS: I think so.

22 BY MR. SKOK:

23 Q. The same base price on Itch as well?

24 MR. GOLDEN: Same objection.

25 THE WITNESS: Yes.

1 start over.

2 Has Wolfire in some way been injured by  
3 any of the things that Valve has done or said to  
4 Wolfire regarding pricing of games?

5 MR. GOLDEN: Objection to form.

6 THE WITNESS: Yes.

7 BY MR. SKOK:

8 Q. How so?

9 A. Well, if we were allowed to do our pricing  
10 experiment, then we would know for sure which  
11 platforms are valuable for which reason.

12 And if Steam provides as much value as  
13 they claim, then players would continue buying it  
14 there at a higher price, and it would prove to  
15 everyone that Valve really is earning their -- their  
16 share. But they made that impossible.

17 Q. What is the pricing experiment you're  
18 referring to?

19 A. Passing on all of the savings from various  
20 commission rates on to customers.

21 Q. Would Wolfire, in that scenario, keep any  
22 of the, as you put it, commission rate savings?

23 MR. GOLDEN: Objection to form.

24 THE WITNESS: No.

25 BY MR. SKOK:

1 Q. It would all get passed through to  
2 customers?

3 A. Yes.

4 MR. GOLDEN: Objection to form.

5 BY MR. SKOK:

6 Q. The -- does Wolfire have any evidence that  
7 it would sell more games on another platform or  
8 store but for something Valve has done?

9 MR. GOLDEN: Objection to form.

10 THE WITNESS: It's generally considered  
11 kind of axiomatic that lowering price will increase  
12 sales volume.

13 So if that were true in this case, that  
14 there is any price elasticity, then we would  
15 definitely sell more copies.

16 BY MR. SKOK:

17 Q. You would agree with me, though, that  
18 Wolfire's customers don't choose Wolfire's games  
19 based solely on price; correct?

20 MR. GOLDEN: Objection. Form.

21 THE WITNESS: Price is a factor.

22 BY MR. SKOK:

23 Q. It's not the only factor, though, in  
24 choosing a video game; correct?

25 MR. GOLDEN: Objection. Form.